

**RESPONSE UNDER RULE 312  
EXPEDITED HANDLING PROCEDURES**

In re Patent Application of

CROWE et al

Serial No. 08/378,939

Filed: January 26, 1995

Title: **PRODUCTION OF ANTIBODIES**

Honorable Commissioner of Patents  
and Trademarks  
Washington, DC 20231

Sir:

**PETITION UNDER 37 CFR 3.81(b)**

This is a response/amendment/letter in the above-identified application and includes an attachment which is hereby incorporated by reference and the signature below serves as the signature to the attachment in the absence of any other signature thereon.

**Fees are attached as calculated below:**

Total effective claims after amendment	0	minus highest number		
previously paid for	0	(at least 20) =	0 x \$ 22.00	\$ 0.00
Independent claims after amendment	0	minus highest number		
previously paid for	0	(at least 3) =	0 x \$ 82.00	\$ 0.00
If proper multiple dependent claims now added for first time, add \$270 (ignore improper)				\$ 0.00
Petition is hereby made to extend the current due date so as to cover the filing date of this paper and attachment(s) (\$110 /1 month; \$400 /2 months; \$950 /3 months)				\$ 0.00
Terminal disclaimer enclosed, add \$110				\$ 0.00
First submission after Final Rejection pursuant to 37 CFR 1.129(a) ( \$790 )				\$ 0.00
Second submission after Final Rejection pursuant to 37 CFR 1.129(a) ( \$790 )				\$ 0.00
			<b>SUBTOTAL</b>	\$ 0.00
If "small entity," then enter half (1/2) of subtotal and subtract <input type="checkbox"/> Statement filed herewith				-\$ 0.00
Rule 56 Information Disclosure Statement Filing Fee (\$240 )				\$ 0.00
Petition Fee	\$130			\$ 130.00
			<b>TOTAL FEE ENCLOSED</b>	\$ 130.00

Any future submission requiring an extension of time is hereby stated to include a petition for such time extension. The Commissioner is hereby authorized to charge any deficiency in the fee(s) filed, or asserted to be filed, or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our **Account No. 14-1140**. A duplicate copy of this sheet is attached.

01/08/1998 EKURTZ 00000027 08378939  
01 FC:122 130.00 OP

1100 North Glebe Road  
8<sup>th</sup> Floor  
Arlington, Virginia 22201-4714  
Telephone: (703) 816-4000  
Facsimile: (703) 816-4100  
MJW:tat

**NIXON & VANDERHYE P.C.**  
By Atty: Mary J. Wilson, Reg. No. 32,955

Signature: Mary J. Wilson

RESPONSE UNDER RULE 312  
EXPEDITED HANDLING PROCEDURES

Atty Dkt.: 1430-93  
C# M#

Group Art Unit: 1816

Examiner: Eisenschenk, C.

Date: January 5, 1998



In re Patent Application of

CROWE et al

Serial No. 08/378,939

Filed: January 26, 1995

Title: PRODUCTION OF ANTIBODIES

Honorable Commissioner of Patents  
and Trademarks  
Washington, DC 20231

Sir:

**SUBMISSION AND PETITION UNDER RULE 312**

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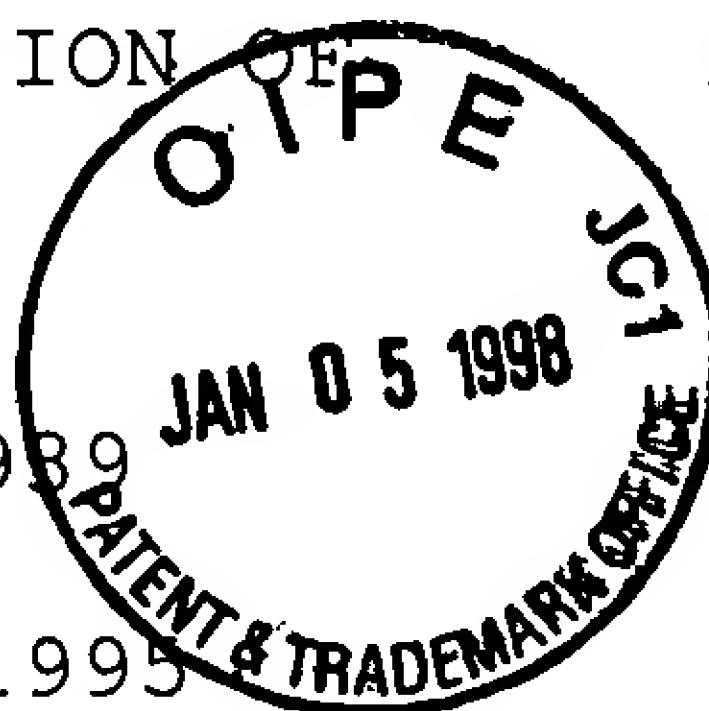
1100 North Glebe Road  
8<sup>th</sup> Floor  
Arlington, Virginia 22201-4714  
Telephone: (703) 816-4000  
Facsimile: (703) 816-4100  
MJW:tat

**NIXON & VANDERHYE P.C.**  
By Atty: Mary J. Wilson, Reg. No. 32,955

Signature: Mary J. Wilson

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re PATENT APPLICATION OF Atty. Ref.: 1430-93  
CROWE et al Allowed: August 21, 1997  
Serial No.: 08/378,989 Batch No.: Q79  
Filed: January 26, 1995 Group Art Unit: 1816  
For: **PRODUCTION OF** Examiner: Eisenschenk, C.  
**ANTIBODIES**



\* \* \* \* \*

January 5, 1998

PETITION UNDER 37 CFR 3.81(b)

Hon. Commissioner of Patents  
and Trademarks  
Washington, DC 20231

RECEIVED  
97 DEC -0 AM 9:59  
GROUP 180

Sir:

Submitted concurrently herewith for recordation is an Assignment from Applicants to Burroughs Wellcome Co. and a Change of Name from Burrough's Wellcome Co. to Glaxo Wellcome Inc. (copies of the Assignment and Change of Name are attached). Assignee hereby petitions for issuance of the patent in the name of Glaxo Wellcome Inc. The requisite fee set forth in \$1.17(i) is submitted herewith.

Respectfully submitted,

**NIXON & VANDERHYE, P.C.**

By Mary J. Wilson  
Mary J. Wilson  
Reg. No. 32,955

MJW:tat

1100 North Glebe Road  
8<sup>th</sup> Floor  
Arlington, Virginia 22201-4714  
Telephone: (703) 816-4000  
Facsimile: (703) 816-4100

Respectfully submitted,

**NIXON & VANDERHYE, P.C.**

By Mary J. Wilson  
Mary J. Wilson  
Reg. No. 32,955

MJW:tat

1100 North Glebe Road  
8<sup>th</sup> Floor  
Arlington, Virginia 22201-4714  
Telephone: (703) 816-4000  
Facsimile: (703) 816-4100

953031023



ARTICLES OF AMENDMENT  
OF  
THE ARTICLES OF INCORPORATION  
OF  
BURROUGHS WELLCOME CO.

0-0019284  
**FILED**  
11:31 AM  
OCT 30 1995  
EFFECTIVE 10-31-95 11:59 PM  
RUFUS L EDMISTEN  
SECRETARY OF STATE  
NORTH CAROLINA

Pursuant to Section 55-10-06 of the North Carolina General Business Corporation Act, Burroughs Wellcome Co., a corporation organized under the laws of the State of North Carolina (the "Corporation"), hereby submits these Articles of Amendment for the purpose of amending the Articles of Incorporation of the Corporation:

1. The name of the Corporation is Burroughs Wellcome Co.
2. The following amendment to the Articles of Incorporation of the Corporation was adopted by its shareholders on the 10th day of October, 1995, in the manner prescribed by law:

Article I is hereby amended by deleting its text in its entirety and substituting in lieu thereof the following:

"The name of the corporation is Glaxo Wellcome Inc."

3. These Articles of Amendment shall become effective at 11:59 p.m. on October 31, 1995.

This the 30th day of October, 1995.

BURROUGHS WELLCOME CO.

By: Robert A. Ingram  
Name: Robert A. Ingram  
Title: President and Chairman



# STATE OF NORTH CAROLINA



Department of The  
Secretary of State

To all whom these presents shall come, Greetings:

I, Rufus L. Edmisten, *Secretary of State of the State of North Carolina*, do hereby certify the following and hereto attached to be a true copy of

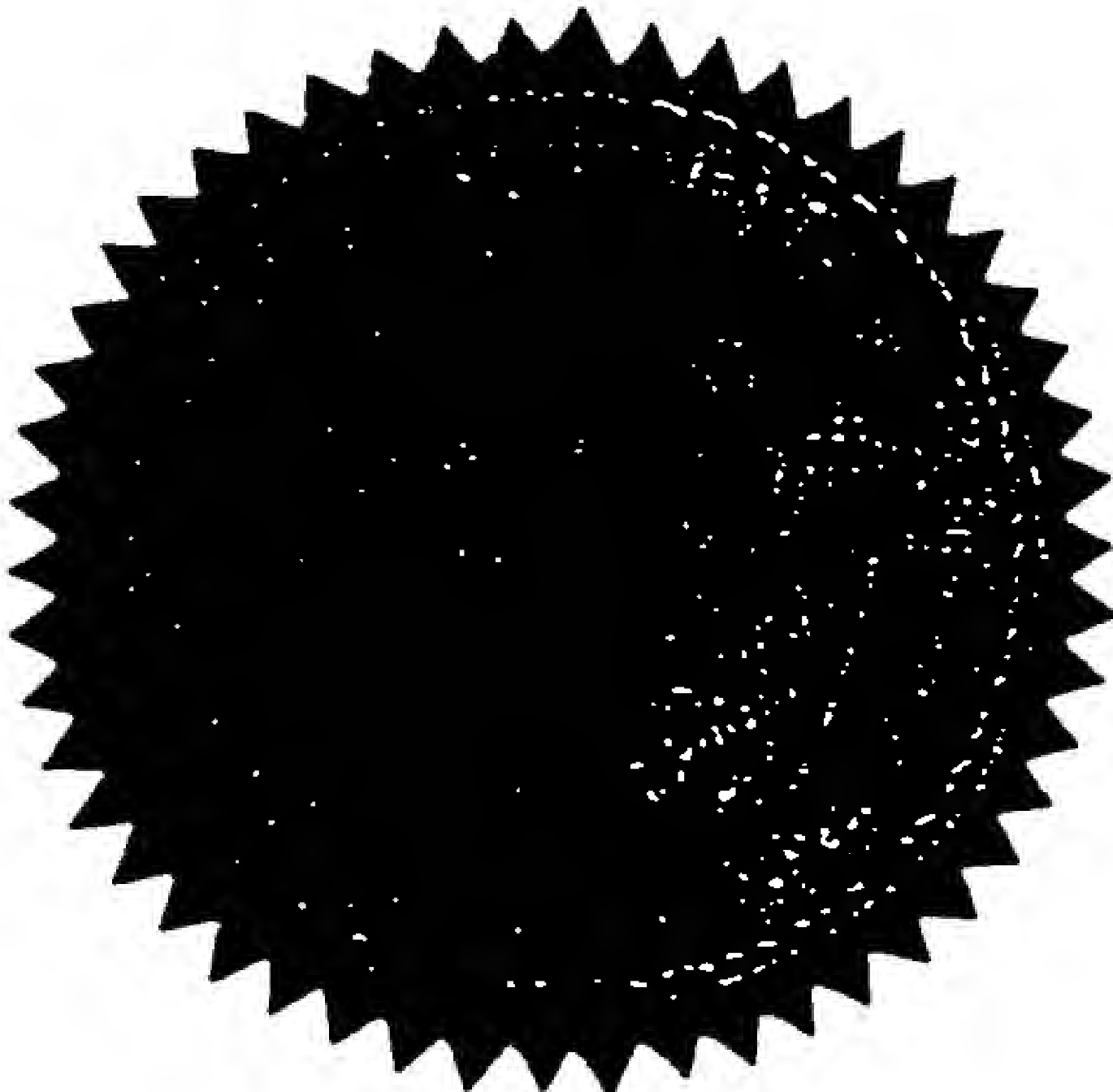
ARTICLES OF AMENDMENT

OF

BURROUGHS WELLCOME CO.  
name changed to:  
GLAXO WELLCOME INC.

*the original of which is now on file and a matter of record in this office.*

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal at the City of Raleigh, this 5th day of January, 1996.



*Rufus L. Edmisten*

Secretary of State



RECORDATION FORM COVER SHEET

PATENTS ONLY

Our Ref.: 1430-93

Commissioner of Patents and Trademarks  
Box Assignment, Washington, D.C. 20231

To the Honorable Commissioner of Patents and Trademarks: Please record the attached original documents or copy thereof.

<p>1. Name of conveying party(ies): BURROUGHS WELLCOME CO.</p> <p>Additional name/s of conveying party/ies attached? <input type="checkbox"/></p> <p>3. Nature of conveyance: <input type="checkbox"/> Assignment <input type="checkbox"/> Merger <input type="checkbox"/> Security Assignment <input checked="" type="checkbox"/> Change of Name <input type="checkbox"/> Other _____</p> <p>Execution Date: _____ October 31, 1995</p>	<p>2. Name and address of receiving party(ies):</p> <p>Name: <u>GLAXO WELLCOME INC.</u> Internal _____ Address: _____ Street Address: <u>3030 Cornwallis Road</u> _____ City: <u>Research Triangle Park</u> State/Country <u>North Carolina</u> _____ Zip: <u>27709-4416</u></p> <p>Additional name/s &amp; address/es attached? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>
--	--

4. Application number(s) or patent number(s):  
If this document is being filed together with a new application, the execution date of the application is: \_\_\_\_\_

<p>A. Patent Application No(s). (1) <u>08/378,939</u> (2) _____ (3) _____</p>	<p>B. _____ (1) _____ (2) _____ (3) _____</p>
---	---

Additional numbers attached ☐ Yes ☒ No

<p>5. Name and address of party to whom correspondence concerning document should be mailed:</p> <p>Name: _____ Mary J. Wilson</p> <p>Internal Address: _____</p> <p>Street Address: <u>Nixon &amp; Vanderhye P.C.</u> <u>1100 North Glebe Road</u> <u>8<sup>th</sup> Floor</u> City: <u>Arlington</u> State: <u>VA</u> Zip: <u>22201</u></p>	<p>6. Total number of applications &amp; patents involved: _____ 1</p> <p>7. Total fee (37 CFR 3.41) \$ <u>40.00</u> <input checked="" type="checkbox"/> Enclosed <input type="checkbox"/> Authorized to be charged to deposit account #14-1140</p> <p>8. The Commissioner is hereby authorized to charge any <u>deficiency</u> in the fee(s) filed, or asserted to be filed, or which should have been filed herewith (or with any paper thereafter filed in this application by this firm) to our Account No. <u>14-1140</u>.</p>
---	---

DO NOT USE THIS SPACE

9. Statements and signature.  
To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.

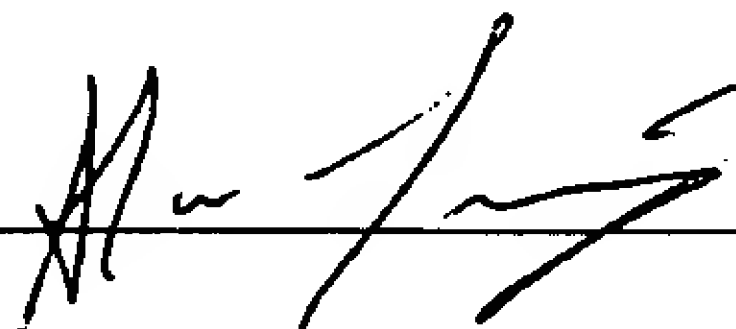
<p>_____ Mary J. Wilson Name of Person Signing Reg. No. 32,955</p>	<p>_____ Signature</p>	<p>_____ January 5, 1998 Date</p>
--	----------------------------	---

Total number of pages including original cover sheet, attachments, and document: [3]

Assignor name and address

Alan P. LEWIS  
c/o Glaxo Wellcome plc, Gunnels Wood Road,  
STEVENAGE, Herts. SG1 2NY United Kingdom

1st DECEMBER 1997  
Date  
STEVENAGE, HERTS, UK  
Where signed

  
Signature

Assignor name and address

\_\_\_\_\_  
Date

\_\_\_\_\_  
Where signed

\_\_\_\_\_  
Signature

Assignor name and address

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Date

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Where signed

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Signature

Assignor name and address

\_\_\_\_\_  
Date

\_\_\_\_\_  
Where signed

\_\_\_\_\_  
Signature



ASSIGNMENTWHEREAS, I (we), James S. CROWE Alan P. LEWISwhose post office address(es) appear(s) below, hereinafter referred to as ASSIGNOR, have invented certain new and useful improvements in ... Production of Antibodies.....

for which an application for United States Letters Patent was

☐ executed on even date herewith;☐ executed on \_\_\_\_\_;☐ filed on \_\_\_\_\_, Serial No. \_\_\_\_\_;☒ filed as International Application No. PCT/GB92/01282 on 14 July 1992

GROUP 180

RECEIVED  
27 DEC -0 AM 9:59

and WHEREAS,

.....Burroughs Wellcome Co......whose post office address is 3030 Cornwallis Road, Research Triangle Park, North Carolina 27709-4416, USA hereinafter referred to as ASSIGNEE, is desirous of acquiring the entire right, title and interest in and to the same in the United States;

NOW, THEREFORE, for good and valuable consideration, receipt of which is hereby acknowledged, I (we), ASSIGNOR, by these presents do sell, assign and transfer unto said ASSIGNEE, the entire right, title, and interest in and to said invention and application throughout the United States of America, including any and all Letters Patent granted on any division, continuation, continuation-in-part and reissue of said application.

ALSO, ASSIGNOR hereby agrees to execute any documents that legally may be required in connection with the filing, prosecution and maintenance of said application or any other patent application(s) in the United States for said invention, including additional documents that may be required to affirm the rights of ASSIGNEE in and to said invention, all without further consideration. ASSIGNOR also agrees, without further consideration and at ASSIGNEE'S expense, to identify and communicate to ASSIGNEE at ASSIGNEE's request documents and information concerning the invention that are within ASSIGNOR'S possession or control, and to provide further assurances and testimony on behalf of ASSIGNEE that lawfully may be required of ASSIGNOR in respect of the prosecution, maintenance and defense of any patent application or patent encompassed within the terms of this instrument. ASSIGNOR'S obligations under this instrument shall extend to ASSIGNOR'S heirs, executors, administrators and other legal representatives.

ASSIGNOR hereby authorizes and requests the Commissioner of Patents and Trademarks to issue any and all Letters Patent referred to above to ASSIGNEE, as the ASSIGNEE of the entire right, title and interest in and to the same, for ASSIGNEE'S sole use and behoof; and for the use and behoof of ASSIGNEE'S legal representatives and successors, to the full end of the term for which such Letters Patent may be granted, as fully and entirely as the same would have been held by ASSIGNOR had this assignment and sale not been made.

**Assignor name and address**

James S. CROWE  
c/o Glaxo Wellcome plc, Gunnels Wood Road,  
STEVENAGE, Herts. SG1 2NY United Kingdom

Date

Where signed

Signature

*Assignor name and address*

Alan P. LEWIS  
c/o Glaxo Wellcome plc, Gunnels Wood Road,  
STEVENAGE, Herts. SG1 2NY United Kingdom

\_\_\_\_\_  
Date

\_\_\_\_\_  
Where signed

\_\_\_\_\_  
Signature

*Assignor name and address*

\_\_\_\_\_  
Date

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Where signed

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Signature

*Assignor name and address*

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Date

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Where signed

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Signature

*Assignor name and address*

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Date

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Where signed

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\_\_\_\_\_  
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☐ executed on even date herewith;☐ executed on \_\_\_\_\_;☐ filed on \_\_\_\_\_, Serial No. \_\_\_\_\_;☒ filed as International Application No. PCT/GB92/01282 on 14 July 1992

and WHEREAS,

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ALSO, ASSIGNOR hereby agrees to execute any documents that legally may be required in connection with the filing, prosecution and maintenance of said application or any other patent application(s) in the United States for said invention, including additional documents that may be required to affirm the rights of ASSIGNEE in and to said invention, all without further consideration. ASSIGNOR also agrees, without further consideration and at ASSIGNEE'S expense, to identify and communicate to ASSIGNEE at ASSIGNEE's request documents and information concerning the invention that are within ASSIGNOR'S possession or control, and to provide further assurances and testimony on behalf of ASSIGNEE that lawfully may be required of ASSIGNOR in respect of the prosecution, maintenance and defense of any patent application or patent encompassed within the terms of this instrument. ASSIGNOR'S obligations under this instrument shall extend to ASSIGNOR'S heirs, executors, administrators and other legal representatives.

ASSIGNOR hereby authorizes and requests the Commissioner of Patents and Trademarks to issue any and all Letters Patent referred to above to ASSIGNEE, as the ASSIGNEE of the entire right, title and interest in and to the same, for ASSIGNEE'S sole use and behoof; and for the use and behoof of ASSIGNEE'S legal representatives and successors, to the full end of the term for which such Letters Patent may be granted, as fully and entirely as the same would have been held by ASSIGNOR had this assignment and sale not been made.

Assignor name and address

James S. CROWE  
c/o Glaxo Wellcome plc, Gunnels Wood Road,  
STEVENAGE, Herts. SG1 2NY United Kingdom

28th November 1997

Date

Glaxo Wellcome plc, Stevenage UK.

Where signed

James S. Crowe

Signature



RULE 63 (37 C.F.R. 1.63)  
DECLARATION AND POWER OF ATTORNEY  
FOR PATENT APPLICATION  
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

As a below named inventor, I hereby declare that my residence, post office address and citizenship are as stated below next to my name, and I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

**PRODUCTION OF ANTIBODIES**

the specification of which (check applicable box(s)):

☐ is attached hereto  
☒ was filed on January 26, 1995 as U.S. Application Serial No. 08/378,939 (Atty Dkt. No. 1430-93)  
☒ was filed as PCT International application No. PCT/GB92/01282 on 14 July 1992  
 and (if applicable to U.S. or PCT application) was amended on \_\_\_\_\_

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above. I acknowledge the duty to disclose information which is material to the patentability of this application in accordance with 37 C.F.R. 1.56. I hereby claim foreign priority benefits under 35 U.S.C. 119/365 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed or, if no priority is claimed, before the filing date of this application:

Priority Foreign Application(s):

Application Number	Country	Day/Month/Year Filed
91 152 84.3	United Kingdom	15 July 1991
91 165 94.4	United Kingdom	01 August 1994
92 062 84.3	United Kingdom	23 March 1992

I hereby claim the benefit under 35 U.S.C. §119(e) of any United States provisional application(s) listed below.

Application Number	Date/Month/Year Filed

I hereby claim the benefit under 35 U.S.C. 120/365 of all prior United States and PCT international applications listed above or below and, insofar as the subject matter of each of the claims of this application is not disclosed in such prior applications in the manner provided by the first paragraph of 35 U.S.C. 112, I acknowledge the duty to disclose material information as defined in 37 C.F.R. 1.56 which occurred between the filing date of the prior applications and the national or PCT international filing date of this application:

Prior U.S./PCT Application(s):

Application Serial No.	Day/Month/Year Filed	Status: patented pending, abandoned
PCT/GB92/01282	14 July 1992	
07/952,640	01 December 1992	abandoned

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon. And I hereby appoint NIXON & VANDERHYE P.C., 1100 North Glebe Rd., 8<sup>th</sup> Floor, Arlington, VA 22201-4714, telephone number (703) 816-4000 (to whom all communications are to be directed), and the following attorneys thereof (of the same address) individually and collectively my attorneys to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith and with the resulting patent: Arthur R. Crawford, 25327; Larry S. Nixon, 25640; Robert A. Vanderhye, 27076; James T. Hosmer, 30184; Robert W. Faris, 31352; Richard G. Besha, 22770; Mark E. Nusbaum, 32348; Michael J. Keenan, 32106; Bryan H. Davidson, 30251; Stanley C. Spooner, 27393; Leonard C. Mitchard, 29009; Duane M. Byers, 33363; Paul J. Henon, 33626; Jeffry H. Nelson, 30481; John R. Lastova, 33149; H. Warren Burnam, Jr. 29366; Thomas E. Byrne, 32205; Mary J. Wilson, 32955; J. Scott Davidson, 33489; Alan M. Kagen, 36178; William J. Griffin, 31260; Robert A. Molan, 29834; B. J. Sadoff, 36663; James D. Berquist, 34776.\*

1.	Inventor's Signature: <u>James S. Crowe</u>	Date: <u>28th November 1997</u>
	Inventor: <u>James S. Crowe</u> (first) (last) Residence: (city) _____ (state/country) <u>England</u> Post Office Address: <u>c/o Glaxo Wellcome plc, Gunnels Wood Road, Stevenage, Hertfordshire, SG1 2NY, GB (formerly of Langley Court, Beckenham, Kent, GB)</u> (Zip Code)	<u>British</u> (citizenship)
2.	Inventor's Signature: <u>Alan P. Lewis</u>	Date: <u>26th November 1997</u>
	Inventor: <u>Alan P. Lewis</u> (first) (last) Residence: (city) _____ (state/country) <u>England</u> Post Office Address: <u>c/o Glaxo Wellcome plc, Gunnels Wood Road, Stevenage, Hertfordshire, SG1 2NY, GB (formerly of Langley Court, Beckenham, Kent, GB)</u> (Zip Code)	<u>British</u> (citizenship)

FOR ADDITIONAL INVENTORS, check box ☐ and attach sheet with same information and signature and date for each.